

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

State of South Carolina,)	
)	
Plaintiff,)	
)	Civil Action No. 2:24-cv-3991-BHH
v.)	
)	
Keyshon Anthony Poinsette, Jr., <i>also</i>)	
<i>known as Hadi Bey,</i>)	<u>ORDER</u>
)	
Defendant.)	
_____)	

Defendant Keyshon Anthony Poinsette, Jr., also known as Hadi Bey (“Defendant”) filed a notice of removal as to criminal actions filed against him in the Charleston County Court of General Sessions. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On October 10, 2024, Magistrate Judge Molly H. Cherry issued a report and recommendation (“Report”), outlining the issues and recommending that the Court remand the removed criminal actions to the Charleston County Court of General Sessions pursuant to 28 U.S.C. § 1455. (ECF No. 8.) Attached to the Magistrate Judge’s Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. Defendant filed a motion for an extension of time to file objections, which the Court granted, giving him until November 22, 2024, to file objections. (ECF Nos. 11, 13.) To date, however, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections to the Report have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. Accordingly, the Court hereby adopts and incorporates the Magistrate Judge’s Report (ECF No. 8), and remands the removed criminal actions (case numbers 2024A1010203772 and 2022A1010207174) to the Charleston County Court of General Sessions pursuant to 28 U.S.C. § 1455.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

December 3, 2024
Charleston, South Carolina